

UNITED STATES OF AMERICA
 NATIONAL TRANSPORTATION SAFETY BOARD
 OFFICE OF ADMINISTRATIVE LAW JUDGES

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Investigation of: *

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MV ETHAN ALLEN, *

LAKE GEORGE, NEW YORK, *

OCTOBER 2, 2005 * Docket No.: DCA 06 MM 001

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Interview of: RICHARD MORIN and CHRISTOPHER HUBBELL

National Transportation Safety Board
 490 L'Enfant Plaza East, S.W.
 Washington, D.C. 20594

Thursday,
 October 13, 2005

The above-captioned matter convened, pursuant to
 notice, at 9:08 a.m.

BEFORE: MARIETTE BURER

APPEARANCES:

MARIETTE BURER
National Transportation Safety Board

MAJ. STEVE RIVENBURGH
New York State Park Police

BRIAN CURTIS
National Transportation Safety Board

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I N T E R V I E W

(9:08 a.m.)

MS. BURER: Okay. Today is October 13th, and it's about 8 minutes after 9:00.

My name is Mariette Burer, with the National Transportation Safety Board. Go ahead.

MAJ. RIVENBURGH: My name is Steve Rivenburgh. I'm a Major with the New York State Park Police.

MR. MORIN: Richard Morin, with Rich Morin's Professional Scuba Centers.

MR. HUBBELL: Chris Hubbell with Rich Morin's Professional Scuba Centers.

INTERVIEW OF RICHARD MORIN

BY MS. BURER:

Q. Okay. What I would like to do is tell me in your own words, maybe one at a time, of what exactly occurred on October 2nd, that Sunday afternoon, and what your part in the accident was.

A. Okay. At approximately 2:50, Chris and I, we had entered the water just prior to that, with an open water class. We had nine students in open water. We had five staff members. Myself, Chris Hubbell. We had John Osborne, Chris Hanna (ph.) and we also had rescue diver, Kurt Riley (ph.) that was with us. We were in the process of finishing up surface navigation with our open water students, when the Ethan Allen passed us,

1 which it's done many, many, many times in the past. It comes
2 very close to our training site. We always stop what we're
3 doing and we wave to the tourists and smile and, you know, kind
4 of make a big thing out of it, hoping that they'll come back to
5 our area and spend lots of money. But I made a comment to
6 Chris about how, how many people were on board and pointed out
7 the fact that, you know, the bow was sitting very low in the
8 water. Chris had made a comment to me that he, you know, the
9 most people he had ever seen on it was, you know, about a half
10 a dozen or less.

11 Q. Go ahead.

12 A. And I told Chris that, you know, I had seen maybe
13 about a dozen or so on it. The stern was sitting pretty high
14 above the water, and we continued to watch the vessel and as it
15 approached Cramer Point, the boat attempted to make a starboard
16 turn, the bow went down in the water, the stern raised
17 slightly, and at that point, the boat capsized completely over.
18 We instructed our students to get out of the water, to break
19 their gear down because they were all in full tanks. We wanted
20 to make sure that we had additional full tanks in case they
21 were needed. We activated 911, told them that we had five
22 professional divers geared up in the water. All we needed was
23 a ride because now they were approximately 1,000 yards from us.
24 The five staff members entered the water and we stood in waist
25 deep water attempting to get someone's attention, you know, as

1 boats continued to arrive at the scene, pleasure boats and
2 professional vessels started to arrive also at this time, and
3 we kept blowing whistles and we have these air signaling
4 devices, and we were waving fins up in the air, just trying to
5 get someone's attention. We phoned a second time, you know,
6 probably, you know, 7 to 10 minutes had passed. We phoned a
7 second time. You know, we had one of the students go up and
8 phone to let them know that we had divers in the water in full
9 gear ready to assist. You know, that all we needed was a ride.
10 After approximately 15 minutes, we finally got a pleasure boat
11 to come to us. The pleasure craft threw out two stern lines,
12 and the five of us grabbed onto the two individual stern lines
13 and we were towed over to the scene. Upon reaching the scene,
14 we kept John Osborne, Chris Hanna and Kurt Riley on the
15 surface. There were many pleasure boats in the area now. We
16 also noticed Warren County Sheriff's, the State Police boat,
17 and Lake George Parks Commission were on the scene also at this
18 time. And we instructed our staff, the three on the surface,
19 to, you know, start collecting bodies on the surface, but the
20 big thing was Chris and I were going to drop down and start
21 checking the inside of the vessel, and if we found anybody, we
22 were going to shuttle the people up to the surface. Upon
23 descending, Chris was on the starboard side. I was on the port
24 side. We entered the vessel just at the midship. We looked in
25 the windows. We immediately saw two people pinned to the

1 ceiling. The ship was upright at about a 50 degree angle with
2 the bow down. The stern was sticking about 4 feet out of the
3 water, you know, with trapped air. So the air was escaping.
4 It was slowing sinking, but it took, you know, approximately 40
5 minutes to sink from the time it rolled. I went ahead and
6 grabbed the first individual who was a male. Chris grabbed the
7 second individual who was also a male. And we extracted them
8 out on opposite sides, mine on the port side, Chris on the
9 starboard, and upon extraction of the first victim, I looked
10 over on the port side and saw a third victim who was sitting on
11 the deck with his feet up against the back of a bench, and his
12 back was up against the seated part of the bench. So he was
13 kind of V'ed in between the two benches. Upon getting the
14 victims to the surface, we passed them off to John Osborne and
15 Kurt Riley, and then we descended a second time. Entering the
16 vessel a second time, when I went to go for the third victim, I
17 looked toward the bow area, and we just had a lot of people
18 down there. So Chris and I continued to extract victims. I
19 had two more on the port side. Everybody else was up in the
20 starboard, bow area. We had three that were entrapped. The
21 first two that we took out were just, just forward of midship
22 underneath benches. The last lady that we extracted, she was
23 in the very, in the very bow, starboard bench that runs
24 actually along the gunnel and she was actually wedged in there
25 pretty good. As we were attempting to extract here, the vessel

1 slipped below the surface of the water, heading to the bottom,
2 and, you know, as we continued to extract her, and it came to
3 rest in 59 feet of water. We brought her to the surface and
4 went back down again. Chris and I did a perimeter search,
5 looking for additional victims that might have come out of the
6 boat, and then we also noticed a debris field, approximately 25
7 feet wide, about 200 feet long. We started searching the
8 debris field. We got to the end of the debris field. On our
9 way back, Chris had signaled me that he was getting low on air,
10 and so at that time, on our way back, following back to the
11 Ethan Allen, we decide we were going to start picking up
12 personal artifacts. We picked up a lot of purses, eyeglasses,
13 sunglasses, backpacks, cameras, a set of binoculars. We picked
14 up -- we had one hand purse that was quite large that had a lot
15 of room in it. So a lot of the smaller items, we were using
16 that one purse to put a lot of things into. We picked up part
17 of a denture, the upper or lower plate, I'm not sure which one
18 it was, and then upon getting back to the Ethan Allen, all the
19 stuff I had in my hands, I handed it all to Chris. Chris held
20 onto everything. I told him I was going to go back inside and
21 do one more quick search which I did, and then started picking
22 up more personal belongings inside, more purses. We also
23 picked up a walker that was inside. We had a cane at one
24 point, but on the way back, I had so much stuff in my hands,
25 when I got back to the vessel, I noticed that I didn't have it.

1 So I apparently dropped it. Then after that, we, we began to
2 ascend and we turned everything over to the New York State
3 Police boat. We were going to do a repetitive dive, but it was
4 getting pretty chaotic around there. There were a lot of, a
5 lot of public safety people that were showing up, a lot of
6 people that probably were in a position to be in the water and,
7 you know, we decided for the safety of our team, because we
8 were there, we weren't in a boat, that we were going to back
9 off and Warren County Sheriffs take over. They ended up
10 finding one more victim who was back in the stern area. She
11 had fallen into one of the rear hatches back there and was up
12 underneath by the keel area. We ended up getting a ride back
13 to Hearthstone State Park Campgrounds which is where we were
14 doing our instructions at, and we got a ride back from Lake
15 George Parks Commission and Bolton Landing Fire Department.

16 Q. Okay. How many people do you think total that you
17 extracted?

18 A. A dozen.

19 Q. About a dozen, okay.

20 A. And then the guys got three more on the surface.

21 Q. Okay. The other people that were with you?

22 A. Yes.

23 Q. So approximately a total of 15 people then for
24 your --

25 A. Yeah. Chris and I, though, we did all the in the

1 water work.

2 Q. Okay.

3 A. We extracted apparently 12 people from underwater.

4 Q. Okay. And then Warren County Sheriff one final
5 person.

6 A. Later on that afternoon.

7 Q. Okay.

8 A. They weren't even on the scene yet when we left.

9 Q. Okay.

10 A. As far as their dive team goes. They were on the
11 scene as far as their patrol boats, but not their diving team.

12 Q. I actually ended up drawing a little diagram for
13 my -- the seating chart, and if you take a look at this, can
14 you sort of tell me where most of the passengers were?

15 A. Most of the passengers were in this area here.

16 Q. Okay. And the first two males that you --

17 A. This is the other bench that's up front.

18 Q. Yeah.

19 A. You need to come up here because they were all in
20 this area here.

21 Q. Okay. And the first two males would have been?

22 A. So if this is midship right here, they were just
23 after the midship up on the ceiling and they were actually
24 crossed like this. Their legs were crossed over.

25 Q. Okay.

1 A. And then the third person that I noticed was sitting
2 in this area here. His rear end was, was here. His feet was
3 up over the rear of the bench here, and his back was up against
4 the seated part of the bench there.

5 Q. Okay.

6 A. He was just sitting in the water. That's when I went
7 back in to get him, I looked up, I saw two more people here in
8 the port side, but everybody else was piled up over on Chris'
9 side.

10 Q. Okay. Okay. Can you describe what kind of bottom it
11 was, on the lake?

12 A. Relatively flat, silty, not, not thick mud, but a
13 layer of silt on it. You're probably looking at about six to
14 eight inches of silt and then relatively solid under that.

15 Q. Okay.

16 A. A lot of the personal belongings that we recovered,
17 you know, they weren't buried in the silt. I mean a lot of the
18 stuff was just sitting on top. So it was, you know, Chris and
19 I, what we did, we hovered above it and got inverted a little
20 bit so we wouldn't disturb the bottom and recovered the
21 artifacts that way.

22 Q. Okay. Is there a way that you can actually draw how
23 you found the vessel to begin with and then what happened
24 during your search?

25 A. When we, when we first noticed the vessel, when it

1 rolled, the bow went down, or I should say when I did --

2 Q. Yeah.

3 A. -- when the bow went down, the stern came up, and
4 then she rolled completely over. The bow started to sink and
5 then the port side came back up.

6 Q. Okay.

7 A. So the port was actually sticking up out of the
8 water.

9 Q. Uh-huh.

10 A. And then as it started to sink, the weight of the
11 keel actually rolled it back upright. So now it was sitting on
12 a 50-degree angle, like this, with the stern sticking up above,
13 about 4 feet out of the water.

14 Q. Okay.

15 MR. HUBBELL: Actually the canopy, the stern part of
16 the canopy was above water when we actually got --

17 MS. BURER: Okay.

18 MR. HUBBELL: -- when we got there. Certainly it
19 (indiscernible).

20 MS. BURER: And that was apparently 15 minutes after
21 the accident --

22 MR. HUBBELL: Yeah, correct, when we got there.

23 MS. BURER: -- occurred? Okay.

24 MR. MORIN: Yeah.

25 BY MS. BURER:

1 Q. Okay.

2 A. Probably 15 to 20, because we had to get a ride out
3 there.

4 Q. Right.

5 A. You know, we needed to get towed there.

6 Q. And you were approximately 1,000 yards from it.

7 A. Uh-huh.

8 Q. Okay.

9 MAJ. RIVENBURGH: Let me run out to my car. You go
10 ahead.

11 MS. BURER: Okay.

12 BY MS. BURER:

13 Q. Were you involved with actually bringing the vessel
14 back up again?

15 A. Yeah, we brought it up also.

16 Q. Okay. Can you describe that kind of procedure to us?

17 A. Well, we arrived there in the morning. What time did
18 we get there? About 10:30, right?

19 MR. HUBBELL: Right.

20 BY MS. BURER:

21 Q. So that would be Monday.

22 A. Yeah. We got there about 10:30. We had to put a
23 team together because we didn't get the call that we were going
24 to raise it until early that morning, and Chris is a college
25 professor at RPI, a doctor of psychology, and then I needed to,

1 you know, Monday morning people work. So we needed to put a
2 team together that was comfortable in the water, that had
3 helped us in the past, you know, et cetera, because it was a
4 delicate situation. When we arrived, we were informed that it
5 was being handled as a potential crime scene.

6 Q. Right.

7 A. That video work and still photography was being done
8 on the vessel, and so by the time we even got in the water, it
9 was 2:00 in the afternoon. I was basically the senior diver on
10 site. Our staff was basically in charge of the recovery
11 portion of it. We had assistance as far as certain support
12 goes with Warren County Sheriff's Department, the New York
13 State dive team. I had spoken to both Sergeant Al Garcia who
14 is in charge of the New York State dive team. We've done a lot
15 of work together in the past.

16 Q. Uh-huh.

17 A. And Al told me that my divers are at your exposure, I
18 mean whatever you need to do. So utilize them as surface
19 support and then we also utilized one of the Warren County
20 Sheriff's officers, Sergeant Rocky Girard because I certified
21 Rocky as an instructor a few years back.

22 Q. Okay.

23 A. So we utilized Rocky for the actual lifting of the
24 vessel because we needed one additional person on that.

25 Q. Right.

1 A. But what we wanted to do, though, was we wanted to
2 make sure that, you know, we, we don't disturb anything. The
3 way that we opted to rig on, Chris and I were the chief
4 riggers, we had -- also we had Bill Chadwick --

5 Q. Yeah.

6 A. -- who assisted us on our team and we had John
7 Osborne. Once we brought our lifting equipment down, we
8 actually laid it on top of the canopy of the vessel. The
9 vessel was sitting upright now on the bottom. The stern was up
10 just a little bit off the bottom.

11 Q. Okay.

12 A. So what we did is there are three cleats on the
13 starboard and three cleats on the port side, and also two
14 cleats up in the bow. Using a long line, we actually did
15 everything from the outside of the vessel. We went ahead and
16 we went from the cleat on the starboard side, and then we came
17 underneath the vessel to the port side, tied on, and then from
18 there we went to the middle cleat on the side, back underneath
19 to the starboard side, back up to the forward starboard side
20 cleat, back underneath the vessel. Now as we started getting
21 closer to the bow section, what Chris and I had to do is
22 basically use the line as kind of like a saw blade and just
23 keep back and forth, back and forth, to get underneath, you
24 know, the silt in order to --

25 Q. Right.

1 A. -- finish rigging onto the bow section. As we were
2 rigging the line on, what we were also doing -- what we also
3 did is that the very lowest point that we could possibly reach
4 under the vessel, we put a loop in the line so that's where we
5 can rig our lifting devices on. So we had, we had three bags
6 along the starboard side, three bags on the port side, each
7 with 2,000 of lifting apiece, and then we had one additional
8 bag on the bow because the bow appeared to be heavy. From when
9 we first saw it in the water on Sunday --

10 Q. Uh-huh.

11 A. -- to how it was sitting on the bottom, because the
12 stern was still up fairly high out of the water. We had no
13 problem getting underneath the stern and passing the line off
14 or even midship.

15 Q. Right.

16 A. We were able to pass the line off to each other.
17 It's just in that very forward bow section we had to, you know,
18 run that line back and forth like a saw blade. And then from
19 there, after we did the rigging of the six initial bags, not
20 the bow bag, but the six initial bags, we were getting on our
21 bottom time, because we're only allowed so much time under
22 water.

23 Q. Okay.

24 A. So we have to have no decompression limits. So we
25 needed to ascend and take a minimum hour's surface interval,

1 and I think we took about an hour and --

2 MR. HUBBELL: About an hour and about 15.

3 MR. MORIN: Yeah, I was out of the water before you.

4 Yours was like an hour and 15 --

5 MR. HUBBELL: Yeah.

6 MR. MORIN: -- roughly. And then when we went back
7 down, each diver was assigned where they were going to be,
8 which bags they were going to be on, and at that time we
9 brought Rocky Girard down also with us who handled the bow bag.
10 And then Chris was on the port side, on the bow section. I was
11 going to be on the starboard bow section. Phil Chadwick was
12 going to be on the starboard stern back --

13 MR. HUBBELL: Uh-uh, with me.

14 MR. MORIN: He was on your side.

15 MR. HUBBELL: Bill was with me.

16 MR. MORIN: Bill was on the port side and then John
17 Osborne was on the starboard.

18 BY MS. BURER:

19 Q. So a total of seven bags.

20 A. Seven bags.

21 Q. Okay.

22 A. It only took three to lift it, the bow bag and the
23 two stern bags --

24 Q. Okay.

25 A. -- actually brought it up. So 6,000 of lift actually

1 brought the vessel up, and I'm not sure if you were out there,
2 on one of the vessels watching it or if you saw it on TV, but
3 the canopy hit the surface first, and barely, I mean barely
4 came up.

5 Q. Right.

6 A. And then what we did is we utilized the other bags --

7 Q. Uh-huh.

8 A. -- that were still on there, and if you noticed, it
9 kind of came up in stages. You know, it's important that we
10 have plenty of lift on it, plenty of redundancy, you know, make
11 sure that -- we didn't want the ship to roll on us or the boat
12 to roll on us at all.

13 Q. Right.

14 A. We wanted to try to bring it up as straight as we
15 could, and it did.

16 Q. And is it one person per bag then or --

17 MR. HUBBELL: It was going to be Rocky on the first
18 bag and then Rich and I on the (indiscernible) bow bags, moved
19 to the midship bags, turned those on, signaled the guys in the
20 stern to do that, to do theirs. So the plan was start to bring
21 the bow up first because we thought it was heavy.

22 MS. BURER: Yeah.

23 MR. HUBBELL: And we went right down the line, and
24 what happened was, we turned that bow bag on, and that was
25 enough to get it going.

1 MS. BURER: Yeah.

2 MR. HUBBELL: So we didn't have to use the other --

3 MR. MORIN: The other four.

4 MR. HUBBELL: -- the other four in the bow and
5 midship.

6 MS. BURER: Right.

7 MR. HUBBELL: And the guys in the end just turned
8 their end bags on and so when it hit the surface, you know, the
9 bow was coming first and then kind of settled. So the canopy
10 was just under.

11 MS. BURER: Yeah.

12 MR. HUBBELL: And then when we did a safety stop, and
13 there was a little bit of time before we surfaced, because we
14 have to come up and stay at about 15 to 20 feet and just relax
15 for about 5 minutes before we surface and then there was
16 surface support there, turning off the tanks inflating those
17 bags.

18 MS. BURER: Right.

19 MR. HUBBELL: So they don't -- there's an over
20 pressure valve on it, so that it doesn't over inflate and, and
21 maybe rupture the bags --

22 MS. BURER: Okay.

23 MR. HUBBELL: -- and turned those off, and then we
24 finally surfaced. We went over, looked at it, appraised the
25 situation, inflated the other bags, and that's when we got it

1 up. So it looks a little bit higher out of the water.

2 MS. BURER: Okay.

3 MR. HUBBELL: And then, and then towed it to
4 shallower water --

5 MS. BURER: Right.

6 MR. HUBBELL: -- where in case anything happened
7 where we lost the boat, now we'd only have it in 10 feet of
8 water --

9 MS. BURER: Right.

10 MR. HUBBELL: -- and we wouldn't have to worry about
11 depth any longer.

12 MS. BURER: Right.

13 MR. MORIN: Yeah, we towed it into where we had a
14 nice flat bottom, so that if anything happened, you know, we,
15 we could work very easily off it.

16 BY MS. BURER:

17 Q. That whole procedure, how long did that take?

18 A. We were actually asked by the head of the NTSB during
19 our, during our briefing --

20 Q. Uh-huh.

21 A. -- or actually just prior to that actually it was,
22 because what we did is we gave, we gave a pre-dive briefing
23 that included our team, Warren County Sheriff's team, head of
24 Warren County dive team, Lieutenant Shawn Lemery (ph.), New
25 York State Police dive team there, Troop G, and then senior

1 diver, Tim Harden (ph.) was in charge there, and then we also
2 had other people from the New York State Police there, and some
3 people that were videotaping the briefing on it, but we
4 explained to them that, you know, exactly what everyone's role
5 was going to be, who was going to be surface support divers, et
6 cetera, and that we were doing to be in the water at 2:00, if
7 we entered the water at 2:00, I was talking to the head of the
8 NTSB and I forgot his name, I'm sorry --

9 MR. HUBBELL: Mark.

10 MR. MORIN: -- Mark, but anyway, I told him that we
11 should have the boat up at 4:30. We actually had it up at
12 4:38, and then if everything went right, I told him it's a big
13 job, you know, and we've got to handle it very delicately. So,
14 you know, we certainly don't want to see anything happen to the
15 vessel. So we wanted to make sure we got plenty of redundancy
16 on this, but that our task at that point was to tow it to
17 shallow water, where we can now bring it up in stages because
18 actually even though it's a difficult challenge bringing the
19 vessel up, the easiest part of our job is the first initial
20 lift. After that, now you've got all that dead weight you have
21 to now lift --

22 BY MS. BURER:

23 Q. Okay.

24 A. -- so you can get the deck above the water --

25 Q. Right.

1 A. -- line so it can start being pumped out now. So
2 that's what takes time.

3 Q. Okay.

4 A. And I told them, you know, that hopefully we would be
5 ready to start pumping at around 6:00, and it was 6:40 when we
6 started pumping.

7 Q. Right.

8 A. And so then the vessel was actually floating on its
9 own, all pumped out, and in the process of just getting ready
10 to be towed at around 8:00 --

11 Q. Okay.

12 A. -- that night.

13 Q. Okay. And then the day before, on Sunday, that whole
14 evolution when you got all the passengers out, how long did
15 that take? Do you remember?

16 A. Twenty-four minutes.

17 MR. HUBBELL: Twenty-four minutes was the total
18 dive --

19 MAJ. RIVENBURGH: Wow.

20 MR. HUBBELL: -- including picking up the debris.

21 BY MS. BURER:

22 Q. Wow.

23 A. Yeah. We have underwater dive computers that give us
24 maximum depth and time underwater, et cetera. So from the time
25 Chris and I left the surface to the time we finished the dive,

1 it was 24 minutes.

2 MR. HUBBELL: Taking the bodies out was the quick
3 part.

4 MS. BURER: Uh-huh.

5 MR. HUBBELL: Because it's just grab the body, pull
6 them out, bring them slowly to the surface, pass them off, go
7 and get another one.

8 MR. MORIN: At lot of times, we didn't even have to
9 break the surface ourselves because our team was right above us
10 at all times.

11 MS. BURER: Okay.

12 MR. MORIN: And so we just pushed the passenger to
13 the surface, made sure they grabbed onto them and then they
14 would turn them over to the New York State Police boat, and
15 then they'd be right back waiting for another victim.

16 MR. HUBBELL: It was, you know, so close to the
17 surface relatively speaking, where we started because the back,
18 you know, the top part of the boat was a little out of the
19 water.

20 MS. BURER: Right.

21 MR. HUBBELL: Because initially we're talking, you
22 know, 10 feet of water which is, you know, basically pass the
23 person up, they'd reach down and grab them and --

24 MR. MORIN: And as we started getting closer to the
25 bow section though, we were ended up in about 35 feet.

1 MS. BURER: Okay.

2 MR. MORIN: So we were in between 10 and 35 feet
3 working back and forth.

4 MR. HUBBELL: And then when we searched the debris
5 field, that was probably -- I would say the majority of that 24
6 minutes.

7 MS. BURER: Right.

8 MR. HUBBELL: Because we went fairly far away, about
9 200 feet and then circled around and came back on the other
10 side of it, picking up things, and there was a lot of weight.
11 There was a lot of weight. It was all I could do at the end to
12 keep my head up out of the water with all my equipment adjusted
13 so that I should float --

14 MS. BURER: Right.

15 MR. HUBBELL: -- and actually I had to pass off a lot
16 of the bags to the other people. That's how much dead weight
17 that we actually brought up and trying to hold on to --

18 MS. BURER: Right.

19 MR. HUBBELL: -- at all. I looked like a mad person
20 Christmas shopping. I don't mean to be light about it but it's
21 just --

22 MR. MORIN: We just, we just knew that it was going
23 to turn pretty chaotic around there relatively soon. So we
24 wanted to try to get as many of the victims as we possibly
25 could and personal artifacts --

1 MS. BURER: Right.

2 MR. MORIN: -- before too many people got involved
3 down there.

4 MS. BURER: Right.

5 MR. MORIN: You know, we do a lot of work with the
6 public safety divers and especially police divers and, you
7 know, observation skills is a key role, you know, in your
8 approach of a scene like that, as far as, you know, one of the
9 things that we stress and spend a lot of time with the public
10 safety divers, especially the police divers, if they're doing,
11 you know, crime scene evaluation --

12 MS. BURER: Right.

13 MR. MORIN: -- or evidence collecting or making an
14 extraction or vehicle recovery, because we instruct in all
15 that.

16 BY MS. BURER:

17 Q. How long have you all been doing this, the diving?

18 A. I've been at it 22 years.

19 MR. HUBBELL: Ten years.

20 BY MS. BURER:

21 Q. So on Sunday, it was the two of you that went down,
22 and three were still --

23 A. On the surface.

24 Q. -- on the surface.

25 A. Yeah.

1 Q. And then Warren County came later, correct?

2 A. Yeah. We didn't see their dive team.

3 MS. BURER: Okay.

4 MR. HUBBELL: We saw Lake George Fire Department dive
5 team, because we know the boat and the North Queensbury Fire
6 Department scuba team was there, Horicon, Bolton. I'm not
7 sure --

8 MR. MORIN: Yeah, there's just too many, and again, a
9 lot of these people are not, are not trained to do this type of
10 stuff, you know, they're volunteers. A lot of them are open
11 water certified. I mean we teach over 100 different course and
12 programs and open water is the first level.

13 MS. BURER: Uh-huh.

14 MR. MORIN: You know, it teaches you enough to be, to
15 be --

16 MR. HUBBELL: To rent a tank.

17 MS. BURER: Yeah, yeah.

18 MR. MORIN: To blow bubbles under water and, you
19 know, we're sitting on the surface after we brought the last --
20 after we brought up the artifacts and we're looking around
21 because we were going to do a repetitive dive, and check for
22 more victims and then go back for more personal artifacts, and
23 we're looking around going, you know, this is getting too crazy
24 here, you know, we need to, for the safety of our team, because
25 now we've got boats just crisscrossing --

1 MS. BURER: Right.

2 MR. MORIN: -- right over the top of everything and,
3 you know, we're just like, all of this is -- it just didn't
4 seem like anybody really took charge at that point. You know,
5 every team wanted to get involved --

6 MS. BURER: Right.

7 MR. MORIN: -- and jump in the water. So that's the
8 time we told New York State Police, we're like, you know, we're
9 done.

10 BY MS. BURER:

11 Q. Right, right. And then the following day, how many
12 people were involved total? Do you remember?

13 A. From our team, we had four.

14 Q. Okay.

15 A. From Warren County Sheriff's team they had, as far as
16 divers go, they had four.

17 Q. Okay.

18 A. And then from New York State Police dive team, they
19 also had four that were in their gear. They had other members
20 there, but only four that were in their gear, you know.

21 Q. Okay. Did they participate?

22 A. On the surface --

23 Q. Okay.

24 A. -- with the exception of Sergeant Rocky Girard. He's
25 the one holding the bow bag.

1 Q. Okay. Okay. All right.

2 MS. BURER: Do you have any questions?

3 MAJ. RIVENBURGH: I've been there. I understand
4 completely. So --

5 BY MAJ. RIVENBURGH:

6 Q. Did you folks -- did you go back and cover the action
7 of the vessel prior to you observed it?

8 MS. BURER: Yeah, he told me a little bit about it.
9 I mean if you want to ask more then --

10 MAJ. RIVENBURGH: Okay.

11 BY MAJ. RIVENBURGH:

12 Q. What I have here is obviously a Google --

13 A. Yeah.

14 Q. -- of the area. Where were you teaching your class?

15 A. Right here at Hearthstone State Park Campgrounds.

16 Q. Okay. And --

17 MR. HUBBELL: Actually, we would have been right here
18 in the white off this picture.

19 MAJ. RIVENBURGH: Okay. Well, we'll go back one
20 and --

21 MR. MORIN: Yeah, we're here, the shallow water here.
22 It's about four feet deep.

23 MR. HUBBELL: Yeah.

24 MAJ. RIVENBURGH: Okay.

25 MS. BURER: I don't know if you can --

1 MR. HUBBELL: Well, here's the campsite. The
2 beach -- this isn't a very good rendition because it doesn't,
3 it doesn't have this little whoop-t-do here. So the land comes
4 down and then what happens is the beach curves in.

5 MS. BURER: Okay.

6 MR. HUBBELL: I would say that the beach is about
7 here.

8 MS. BURER: Yeah, go ahead.

9 MR. HUBBELL: About -- roughly about here, okay,
10 because it's quite a walk to this property line and it's a
11 shorter distance to this one. So it's about halfway.

12 MR. MORIN: See, this is actually, this is actually
13 water right here.

14 MAJ. RIVENBURGH: Yeah.

15 MR. MORIN: This is sand.

16 MS. BURER: Oh, okay.

17 MR. MORIN: That isn't land. This is sand.

18 MR. HUBBELL: That's the swim area.

19 MR. MORIN: That's the swim area. So this is the
20 shoreline here, and what we do is we set up, there's actually
21 four danger buoys here, and we have a training site that's all
22 set up in here, and so we were standing in the sand facing out
23 when -- and the Ethan Allen approached us. It came by, it came
24 by like this, probably a little closer --

25 MS. BURER: Okay.

1 MR. MORIN: -- right around this line here, and they
2 came up and then started to make its turn.

3 BY MAJ. RIVENBURGH:

4 Q. Could I use that?

5 A. Yeah, because what we had, we had buoys set up at 15
6 feet, and we had buoys set up at 25 feet, and then we had our
7 dive flags around, and then the Ethan Allen went up past us,
8 you know, in approximately this area here, and we were standing
9 on the sand waving, you know, and then what happened is as it
10 came up, it went ahead to make this turn to come around the,
11 around the point, it used to be (indiscernible) but now I guess
12 it's just Cramer Point, but -- and that's when we saw it roll
13 over.

14 Q. Okay. Approximately where was it when it rolled up?

15 A. Right in this area here.

16 MS. BURER: So that would be like right in here in
17 this area?

18 MR. MORIN: Yeah, yeah.

19 MS. BURER: Approximately.

20 MR. MORIN: Yeah.

21 MS. BURER: Okay.

22 BY MAJ. RIVENBURGH:

23 Q. Yeah, these are the boathouses here.

24 A. Yeah.

25 MR. HUBBELL: And there's that big house that's up

1 there, that evidently that's a sight for them.

2 MS. BURER: Okay.

3 MR. HUBBELL: It's a nice Tutor I think, kind of an
4 English Tutor type mansion.

5 MS. BURER: All right. Okay.

6 MAJ. RIVENBURGH: And boathouses on the water are
7 right here.

8 MR. HUBBELL: Somewhere, you know, somewhere around
9 in this general area.

10 MS. BURER: Right.

11 MR. HUBBELL: I've heard reports about it being 150
12 feet off shore. I think it's a little farther than that. When
13 you're, when you're in the water and looking at distance, you
14 can't tell.

15 MS. BURER: Uh-huh.

16 MR. HUBBELL: You just can't estimate because you
17 have no visual reference.

18 MAJ. RIVENBURGH: Yeah.

19 MR. HUBBELL: So I remember being in the water on the
20 day that we lifted it and, in fact, we were probably more like
21 300 feet from shore.

22 MAJ. RIVENBURGH: Okay.

23 MR. HUBBELL: Here's another way that I tell, too.
24 150 feet from shore, you still see trees, old trees --

25 MS. BURER: Right.

1 MR. HUBBELL: -- laying down in the water.

2 MS. BURER: Right.

3 MR. HUBBELL: When you start getting past 200 feet or
4 so, there's nothing in the water anymore. It's just -- there's
5 nothing but silt everywhere. 150 feet, you'll still see trees
6 from years and years and years ago when the lake was much
7 lower.

8 MS. BURER: Uh-huh.

9 MR. HUBBELL: There were trees down by the shoreline.

10 MS. BURER: Right.

11 MR. HUBBELL: And in some places in the lake, you can
12 actually see stumps --

13 MS. BURER: Okay.

14 MR. HUBBELL: -- coming out and some of the places
15 you can actually see where it was old water lines because there
16 will be a line of rock, and depending where the lake is, you
17 know, in 60, 70 feet of water.

18 MS. BURER: Right.

19 BY MAJ. RIVENBURGH:

20 Q. Okay. I read your statements. Neither of you
21 mentioned anything about a wake. No wake?

22 A. You know, at that distance, and we're in four feet of
23 water, there's no way that -- I, I can't say one way or the
24 other. I personally can't say one way or the other.

25 Q. Did you get hit with one from any vessel?

1 A. That day? Sure, we got hit with one from the Ethan
2 Allen for sure as it went past us, it threw us -- through a
3 wake. Earlier in the day, you know, the Minne-Ha-Ha goes by.
4 It throws --

5 Q. How much of a wake from the Ethan?

6 A. From the Ethan Allen, 12 to 18 inches.

7 Q. Okay.

8 A. -- but you can't see that coming from 150 feet
9 away --

10 Q. Okay.

11 A. -- unless you really, really are looking, 1,000
12 yards. It's hard to say.

13 Q. Okay.

14 MR. HUBBELL: Did we have a five foot wake hit us?

15 MR. MORIN: No.

16 MR. HUBBELL: That didn't happen. We were on the --
17 we were doing surface skills with our students.

18 BY MAJ. RIVENBURGH:

19 Q. Okay. Did you notice the Mohican when it went by?

20 A. I didn't notice it.

21 Q. It was that far out?

22 A. I didn't notice the Mohican at all.

23 Q. Okay. Okay.

24 MR. HUBBELL: Usually the Mohican doesn't -- isn't
25 one of the boats that comes near us.

1 MAJ. RIVENBURGH: Uh-huh.

2 MR. HUBBELL: The Minne-Ha-Ha comes back and they
3 actually talk --

4 MR. MORIN: They come up and around and they come
5 right back and they talk about the divers in the water. The
6 Mohican --

7 MS. BURER: Stays over here?

8 MR. MORIN: Yeah, it's usually way over. I mean we
9 don't, we don't usually see that vessel. It's usually on the
10 other side.

11 MS. BURER: Okay.

12 MAJ. RIVENBURGH: Orientation of the vessel, when it
13 started to go, what was it when the, when the Ethan Allen
14 started to overturn or started to capsize? Did you see that?

15 MR. HUBBELL: Yeah.

16 MR. MORIN: Yeah.

17 MR. HUBBELL: I'm standing in the water, and go Rich,
18 Rich, Rich, that boat's going over.

19 MR. MORIN: My mouth is just hanging open.

20 MS. BURER: Right.

21 MR. MORIN: I mean it just --

22 MR. HUBBELL: We watching the stern and, and what I
23 recall seeing is that the back end came up out of the water, as
24 it was turning starboard, and I could tell that because I could
25 see the water line on the stern.

1 MS. BURER: Okay.

2 MR. HUBBELL: It's a straight line, and it started
3 turning clockwise or starboard, and then I saw the hull of the
4 boat which is, you know, the, the top is white and then the
5 bottom is painted, you know, some blue-green kind of color, and
6 I remember saying, wow, that's all I see is green and it was
7 totally upside down, and then at that point, we're rushing up
8 to call 911 and we get back down to the water, and it's already
9 starting to come back over, and that's two or three minutes
10 after, after we went up to the surface and called all our
11 students in, told them to get up here, get out of your
12 equipment, and be ready to assist us. We wanted them to take
13 their tanks off their scuba units and have them down by the
14 beach in case we needed to do more dives over there. And so we
15 see, you know, the back end of the boat was facing, was what we
16 saw and then watched it turn over on top of itself, capsize.

17 MAJ. RIVENBURGH: So you're saying when it capsized,
18 it went down on the starboard side?

19 MR. HUBBELL: Yeah, it tipped over to the starboard.

20 MR. MORIN: As we watched it, I mean when it made the
21 turn, that bow dug right into the water. It came up and right
22 over it went and then afterwards, as the bow started to go
23 down, you know, that's when the port side came back up and then
24 there is laid on the port, the bow dropped down and then all of
25 a sudden, the keel brought it upright again, you know, as we're

1 in the water now, I mean we can -- now there's a lot --

2 MR. HUBBELL: There's a lot of traffic.

3 MR. MORIN: -- of traffic showing up now, a lot of
4 pleasure boaters and stuff.

5 MS. BURER: So you're actually looking at the back of
6 the vessel --

7 MR. MORIN: At the back of the vessel.

8 MS. BURER: -- right?

9 MR. MORIN: Correct.

10 MS. BURER: Okay. It's still right.

11 MAJ. RIVENBURGH: And it's that way?

12 MR. MORIN: Uh-huh.

13 MS. BURER: The passengers that you found on the
14 right-hand side, do you feel that they were actually passengers
15 that were seated right there or that they had slid?

16 MR. MORIN: I think they were from the port side and
17 slid over. We eventually found three underneath the benches.

18 MR. HUBBELL: Everyone else was gently resting on
19 benches or kind of floating in the water, not really trapped at
20 all. They were just suspended there.

21 MR. MORIN: Caught in that, whatever that thin line
22 was going across.

23 MR. HUBBELL: Yeah, they had all kinds of line.

24 MR. MORIN: They had all kinds of line running
25 across. I don't know what that was for, you know, or where

1 that was, but I mean it actually X'ed across and some people
2 were caught on that.

3 MS. BURER: Uh-huh.

4 MR. HUBBELL: One of the reasons I think people came
5 from the port to the starboard was in the, the very bow section
6 on the starboard side --

7 MS. BURER: Yeah.

8 MR. HUBBELL: -- the only Plexiglas window that was
9 down was that one, and what I think happened is somebody
10 reached and grabbed, falling across and pulled it down, and
11 that's why that one -- that was the only window that was
12 closed.

13 MR. MORIN: Two were missing. Everything else was up
14 and that was the only window that was down.

15 MR. HUBBELL: Somebody may have grabbed it. I don't
16 know if, you know --

17 MR. MORIN: It wasn't locked in position.

18 MS. BURER: Right. Okay. Because those windows are
19 not easy to --

20 MR. MORIN: Unlatch.

21 MS. BURER: Yeah.

22 MR. HUBBELL: To me it means that somebody put a lot
23 of weight on it or, of course, it's possible that they may have
24 just let it down, but I would have thought that they would have
25 secured it if they had let it down to let that, you know, to

1 have the window down --

2 MS. BURER: Uh-huh.

3 MR. HUBBELL: -- for whatever reason, calm day,
4 beautiful day out, probably, you know, normal for them to have
5 the windows all open.

6 MS. BURER: Right.

7 MR. HUBBELL: It's a beautiful fall day.

8 MAJ. RIVENBURGH: Do you recall seeing a smaller 22-
9 foot vessel right in that general vicinity at that time
10 probably southbound?

11 MR. HUBBELL: I can't say.

12 MR. MORIN: I can't say one way or the other. There
13 are other pleasure boats that run on the water, but I can't say
14 but, you know, Monday, and I don't know if I should say this or
15 not, but I mean just from observation skill, you know, during
16 the rigging process, looking at, you know, the throttle,
17 looking at the rudder position, what I felt what happened was
18 that, you know, when they went by us, I mean I pointed out to
19 Chris that they were very bow heavy coming in. I had never
20 seen that many people in that vessel before.

21 MAJ. RIVENBURGH: Uh-huh.

22 MR. MORIN: And that bow was right down in the water,
23 to the point where the stern was raised a little bit, and that,
24 that captain was actually right up --

25 MR. HUBBELL: His head was higher than --

1 MR. MORIN: -- higher than everyone else's.

2 MR. HUBBELL: Much higher.

3 MR. MORIN: And, you know, I'm pointing that out to
4 Chris, and we're making comments about, you know, gee, we've
5 only seen this many people, blah, blah, blah.

6 MAJ. RIVENBURGH: Bow heavy on what side?

7 MR. MORIN: Just bow heavy period.

8 MR. HUBBELL: Bow heavy.

9 MAJ. RIVENBURGH: Bow heavy.

10 MR. HUBBELL: You couldn't say for sure if it was
11 lifting one way or the other.

12 MAJ. RIVENBURGH: Starboard or forward.

13 MR. MORIN: Yeah, it didn't look like it as it
14 continued to go past us because we continued to watch it, but
15 when he attempted to make that starboard side, you know, again
16 this is my opinion on that. I just felt that that bow just dug
17 into that water and, and what happened was when that stern came
18 up, I think the pilot may have overcorrected and went hard to
19 port, and over it went.

20 MAJ. RIVENBURGH: It went over the starboard.

21 MR. MORIN: The starboard side.

22 MR. HUBBELL: You know, one thing about that boat, if
23 you look at that boat, the profile of that boat, the, the --
24 when you look at it from bow to stern, when there's nobody in
25 it, there's that --

1 MS. BURER: Okay.

2 MR. CURTIS: Brian Curtis, NTSB. Just one quick
3 question. On the (indiscernible) ports on the side, there was
4 some duct tape over these ports. Just -- did you fellows put
5 it on there?

6 MR. MORIN: We installed that.

7 MR. HUBBELL: We installed that.

8 MR. MORIN: In order to pump the vessel, what
9 happened, as water was pouring in through those two areas, so
10 fast --

11 MR. HUBBELL: I knew we were going to be asked about
12 that.

13 MR. MORIN: -- we weren't making any headway on
14 the -- we weren't making any headway. So we ended up, we had
15 to tape that off.

16 MR. CURTIS: That was at the beach was it?

17 MR. MORIN: Well, once we pulled it into shallow
18 water.

19 MR. CURTIS: Okay.

20 MR. MORIN: Yeah.

21 MR. CURTIS: Just for verification.

22 MR. MORIN: Yeah, yeah. We actually raised it to a
23 point where the deck was just about out of the water, and when
24 we put the pumps in to start pumping it out, water was pouring
25 in so quickly through there, you know, it wasn't going

1 anywhere.

2 MR. CURTIS: Okay.

3 MR. MORIN: As soon as we taped those off, it started
4 to come right up.

5 MR. CURTIS: Okay. Thank you very much.

6 MR. MORIN: Yeah.

7 MS. BURER: You don't want to sit in here?

8 MR. HUBBELL: It's the only kind of tape that will
9 work underwater.

10 MR. CURTIS: Okay. Thank you, gentlemen.

11 MR. MORIN: Yeah.

12 MR. HUBBELL: Man's best friend, right?

13 MS. BURER: Okay. Here's my little drawing again.
14 Which window do you feel was pulled down?

15 MR. HUBBELL: The one that was most forward on the
16 starboard side. I even checked that the next day, when we had
17 towed it in, I actually pushed it up out of the way because
18 some life vests had come out, and I was throwing them back in
19 to keep everything together.

20 MAJ. RIVENBURGH: Hatches. Hatch covers, were they
21 still on?

22 MR. MORIN: No.

23 MR. HUBBELL: No.

24 MR. MORIN: They were floating when we got there.

25 MAJ. RIVENBURGH: Are you back on?

1 MS. BURER: Yeah.

2 MR. MORIN: We checked the forward hatch, the cover
3 was gone. Just put my head down inside with a light, and then
4 shined it around and saw the engine compartment. Just quickly,
5 you know --

6 MS. BURER: The engine compartment was gone?

7 MR. MORIN: The hatch.

8 MS. BURER: Okay. Yeah.

9 MR. MORIN: Yeah.

10 MR. HUBBELL: It's just a black cover that goes over
11 it.

12 MS. BURER: Right. Any other windows that were open
13 or closed or --

14 MR. MORIN: Everything else was open --

15 MR. HUBBELL: Everything was open.

16 MR. MORIN: -- and two were missing.

17 MS. BURER: Which two do you think was missing?

18 MR. MORIN: I don't remember which two they were.

19 MS. BURER: Do you remember which side?

20 MR. MORIN: I don't.

21 MS. BURER: Okay.

22 MR. MORIN: I don't. The only reason I noticed that
23 they were gone was because one was up floating on the surface,
24 and another one was loose in the vessel.

25 MS. BURER: Okay.

1 MR. MORIN: Yeah.

2 MS. BURER: Okay.

3 MR. HUBBELL: We had easy access coming through the
4 windows to get the individuals out.

5 MS. BURER: Okay.

6 MR. HUBBELL: We just kept, as you know, it's all
7 these -- this wood -- actually it's the frame that holds the
8 windows.

9 MS. BURER: Yeah.

10 MR. MORIN: I don't know what those lines were that
11 they had in there, but there are these two lines that
12 crisscrossed right there, and a lot of people were, were up on
13 those lines, you know, the victims that we were recovering in
14 there. We didn't cut anything away. We didn't do anything of
15 the sort on that. Again, there were other teams that went down
16 there after we were there. We tried not to disturb anything --

17 MS. BURER: Right.

18 MR. MORIN: -- in the vessel itself. You know, just
19 concentrated on the victims and personal artifacts. You know,
20 we didn't open any windows. We didn't close any windows. All
21 we did was just, you know, enter where we had an opportunity.
22 I was acting as Chris' safety diver and he was acting as my
23 safety diver because there were a lot of areas for us, as
24 divers, to get tangled up in, in there.

25 MS. BURER: Right. Okay.

1 MAJ. RIVENBURGH: Where were the lines crisscrossed
2 primarily?

3 MR. HUBBELL: Down the center.

4 MS. BURER: You want to draw?

5 MR. HUBBELL: I would say that they were -- I mean I
6 didn't take a lot of time to look, but they were -- to me they
7 looked like the kind of line where the pilot could send down
8 pieces of paper maybe on a pulley system, so people could pull
9 it down with information because on the bottom, there were all
10 these, you know, informational pieces of paper, 8 1/2 by 11, or
11 maybe a little smaller than that, Lake George, this, this, you
12 know, this site, that site, you know, information that you
13 would probably hand out, and I think -- I think that they used
14 to pulley that down, but I don't know why they would really --

15 MAJ. RIVENBURGH: Across the ceiling?

16 MR. HUBBELL: Yeah. And I don't know why those lines
17 were there, but it was, you know, it was a narrow braid. It
18 wasn't rope. It was string.

19 MR. MORIN: It looked like nylon line.

20 MR. HUBBELL: Yeah.

21 MR. MORIN: Like we use on our dive (indiscernible)
22 line.

23 MR. HUBBELL: Yeah.

24 MR. MORIN: You know, another thing I wanted to
25 mention, too, was when we lifted the vessel on Monday --

1 MS. BURER: Uh-huh.

2 MR. MORIN: -- we didn't use the cleats at all for
3 actual lifting. All right. What we did is we used the cleats
4 to keep the lines from shifting, but the lifting point was
5 actually on the very bottom of the hull. That's why we put
6 those loops in it, and that's where our lifting point was on
7 each side.

8 MS. BURER: Okay.

9 MR. MORIN: It's important at that point to make sure
10 the vessel comes up level, and also when we towed it into
11 shallow water, you know, same thing, you know, as we continued
12 to lift it in shallow water, we lift it up in stages, you know,
13 everything has got to be done weight and balance-wise.

14 MS. BURER: Right.

15 MR. MORIN: And it's got to be done even so we don't
16 end up rolling the vessel or that, but what I said earlier, you
17 know, that we were going from cleat to cleat, that just keeps
18 our lines from shifting back and forth so one side doesn't pull
19 the bag.

20 MR. HUBBELL: There's no weight or stress on the
21 cleats.

22 MS. BURER: Okay.

23 MR. HUBBELL: Other than us pulling them as tight as
24 we can.

25 MS. BURER: Right.

1 MR. HUBBELL: To keep any slack out of the lines.

2 MS. BURER: Right, right.

3 MR. HUBBELL: If anything, when the bags pull,
4 they'll release the tension on the cleats. Because we know if
5 we use cleats a lot of times, they get ripped out.

6 MAJ. RIVENBURGH: I watched it. It was a nice job.
7 I was watching you from shore actually from that point right
8 there where you towed it in. It went over the starboard.

9 MR. HUBBELL: And even in the water, as we're taking
10 bodies out, the starboard side was, was lower or tipped that
11 way.

12 MS. BURER: Yeah.

13 MR. HUBBELL: When we approached, when we approached
14 it, and that part of the canopy was out of the water, it was
15 the, you know, the port stern part of the canopy --

16 MS. BURER: That was out of the water.

17 MR. HUBBELL: -- that was actually out.

18 MS. BURER: Okay.

19 MR. HUBBELL: And this part of the canopy was in the
20 water. The starboard side of the canopy, the corner, was
21 actually in the water inches because it was probably only maybe
22 three or four feet here. So it was on an angle. If this is
23 the stern, it was on an angle with this back corner up out of
24 it, and we looked inside and saw the first few bodies, and
25 then, you know, as we continued to move down, you know, the

1 bodies had collected down here in the starboard section.
2 Whether they were thrown there or not is speculation. It may
3 be that they actually sank. Except for this last woman whose
4 body orientation, if this is her head --

5 MS. BURER: Right.

6 MR. HUBBELL: -- and this is her feet, she was
7 underneath the bench completely like that, and her head, I
8 don't know if you've had a chance to look at those park bench
9 seats --

10 MS. BURER: Yeah.

11 MR. HUBBELL: -- the frame is kind of like this.

12 MS. BURER: Yeah.

13 MR. HUBBELL: Her head was stuck in there and had
14 gotten throw and now it couldn't come out easily and we had to
15 actually turn her --

16 MR. MORIN: Turn her.

17 MR. HUBBELL: -- turn her head a little bit and push
18 it out.

19 MR. MORIN: Without losing her glasses.

20 MR. HUBBELL: Without losing her glasses and getting
21 her out that way. She was completely body laying on her left-
22 hand side with her head through there. So we had to tilt her
23 head so we could push it through and then, and then back her
24 out.

25 MR. MORIN: But we also had another victim who was

1 underneath this bench.

2 MS. BURER: This second bench.

3 MR. MORIN: Uh-huh.

4 MS. BURER: Okay.

5 MR. MORIN: And then there was a third one --

6 MR. HUBBELL: There was another one up in here.

7 MR. MORIN: Yeah, I don't remember if it was this
8 bench or this bench.

9 MS. BURER: See, there's two that actually probably
10 died sitting right there at that bench.

11 MR. MORIN: Uh-huh.

12 MS. BURER: At least, you know, that's what we're
13 figuring basically.

14 MR. MORIN: These are the names of the deceased up
15 here?

16 MS. BURER: No. Well, actually there's a cross, then
17 they're deceased, and then if they don't have a cross, then
18 they're still alive.

19 MR. MORIN: I wonder where that, that lady that we
20 pulled from here.

21 MS. BURER: See, that's the -- no one on this
22 particular bench died according to the passenger interviews.

23 MR. MORIN: Uh-huh. What about on this side here?

24 MS. BURER: Only one man.

25 MR. MORIN: No, this was a woman and she was smaller.

1 She was more of a petite woman. What about here?

2 MS. BURER: These two are alive.

3 MR. MORIN: They're survivors.

4 MS. BURER: Yeah, these two, I believe this whole
5 section right here died. This woman died, and these two down
6 here. And this one.

7 MR. MORIN: I wonder if this Joyce lady, if she was a
8 smaller woman.

9 MS. BURER: We're not sure, not until we get the
10 autopsy back, and then we can, you know, put in the weight and
11 height issues. But the other woman you ended up finding on
12 this side, correct?

13 MR. HUBBELL: Underneath that bench.

14 MR. MORIN: Underneath that bench with her head here.

15 MS. BURER: Right. So it's the right side.

16 MR. MORIN: In kind of a fetal position --

17 MS. BURER: Right.

18 MR. MORIN: -- underneath that bench.

19 MS. BURER: And most of the passengers --

20 MR. HUBBELL: Yeah, I didn't -- coming along the
21 starboard side, I had an easier time getting the victims out
22 because I just had to reach in and grab them. Rich actually
23 was coming in through the window grabbing them --

24 MS. BURER: Right.

25 MR. HUBBELL: -- and backing out. So most of them

1 were on that, you know, they were getting denser and denser as
2 we got more forward and --

3 MS. BURER: Right.

4 MR. HUBBELL: -- denser on the starboard side.

5 MS. BURER: But you entered -- did you enter through
6 the windows also?

7 MR. HUBBELL: Oh, yeah, halfway.

8 MS. BURER: Okay.

9 MR. HUBBELL: I never went completely in it.

10 MS. BURER: Okay.

11 MR. HUBBELL: I really didn't have to. Halfway
12 through I can reach halfway across.

13 MS. BURER: Okay.

14 MR. HUBBELL: Touch his hand and --

15 MR. MORIN: Yeah, I had to enter every single time.

16 MS. BURER: Okay. Okay.

17 MR. MORIN: Because the victims, even over here, I
18 mean the, the one victim that I got where he was seated on the
19 deck and his feet were up over here, you know, I still needed
20 to enter in to come around and to get him out of there.

21 MS. BURER: Okay.

22 MR. MORIN: And then I had two more on this side, but
23 then everybody else was, you know, and again, I would come in
24 and pull them out across that way.

25 MS. BURER: Okay. And the line, is that just one

1 line or is it like a pulley system where you have two?

2 MR. MORIN: I actually thought it crossed --

3 MS. BURER: Crossed.

4 MR. MORIN: -- at one point.

5 MR. HUBBELL: Yeah, they were so close together that
6 in the water, you know, they're weightless and so they were,
7 they were in the maze is what they were.

8 MS. BURER: Uh-huh.

9 MR. HUBBELL: It was a possible entanglement for us.

10 MS. BURER: Uh-huh.

11 MR. HUBBELL: So we were just worried about, let's
12 stay away, not necessarily what did it look like. I think it
13 probably may have been a pulley system where you've got two
14 ropes parallel to each other.

15 MS. BURER: Right.

16 MR. HUBBELL: Very loose. Out of the water they
17 would have weight to it. So they wouldn't be --

18 MS. BURER: Right.

19 MR. HUBBELL: -- and now they're floating on slack
20 and they're crisscrossing, twisting.

21 MS. BURER: Anything else that you would like to add
22 or --

23 MR. HUBBELL: Who's going to pay us?

24 MR. MORIN: Shoreline has told us they won't pay us.

25 MS. BURER: Oh, really.

1 MR. HUBBELL: Yeah.

2 MR. MORIN: We actually called and he said some very
3 nasty things to us.

4 MS. BURER: When was this?

5 MR. MORIN: This was --

6 MR. HUBBELL: A week ago Friday.

7 MS. BURER: Who at Shoreline said this?

8 MR. MORIN: He didn't identify himself. He just said
9 he was from Shoreline Cruises. When I got on the phone, he
10 started screaming at me. It wasn't very pleasant. He told us
11 we stood by at Hearthstone Park with our thumbs up our asses
12 and watched 20 people die.

13 MS. BURER: God.

14 MAJ. RIVENBURGH: (indiscernible) today.

15 MS. BURER: I think we should go ahead and -- do you
16 have any more questions?

17 MAJ. RIVENBURGH: No.

18 MS. BURER: Okay. I'm going to stop the recording.

19 (Whereupon, the interview in the above-entitled
20 matter was concluded.)

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CERTIFICATE

This is to certify that the attached proceeding before the

NATIONAL TRANSPORTATION SAFETY BOARD

IN THE MATTER OF: Investigation of MV Ethan Allen
 Lake George, New York
 October 2, 2005
 Interview of Richard Morin and
 Christopher Hubbell

DOCKET NUMBER: DCA 06 MM 001

PLACE: Washington, D.C.

DATE: October 13, 2005

was held according to the record, and that this is the
original, complete, true and accurate transcript which has been
compared to the recording accomplished at the hearing.

Kathryn A. Mirfin
Transcriber